



AT THE CROSSROADS: DEINSTITUTIONALISATION IN BULGARIA

Position Paper of the National Network for Children & the “Childhood 2025” Coalition

May 2016

Overview

Bulgaria is at an important juncture on its path to deinstitutionalisation. The National Strategy “Vision for De-institutionalisation of Children in Bulgaria” that was adopted in 2010 with the aim of achieving full deinstitutionalisation by 2025 came with a five-year Action Plan whose implementation ended nearly half a year ago with the realisation of some significant achievements. However, the adoption of a new Action Plan has stalled and there is a marked decrease in political will to prioritise deinstitutionalisation of child care and address the challenges that emerged during the first stage of the process. Of key importance is the lack of leadership and capacity to develop a clear and realistic new Action Plan in partnership with all stakeholders, as well as looking at the process of deinstitutionalisation not just as the closure of institutions but as a means to social inclusion and ensuring children’s rights. This position paper outlines the most important achievements and the challenges that emerged during the completion of the Action Plan, as well as the recommendations of the National Network for Children and the “Childhood 2025” Coalition for the way forward. The success of the next stage of the reform depends on the extent to which the national authorities are willing and able to take these recommendations on board and ensure the sustainability of everything that has been achieved so far.

Key achievements

- Decrease in the number of children living in institutions and in the number of institutions

There has been a massive decrease (more than 80%) in the number of children placed in institutional care: from 7587 children in 2009 to 1495 children at the end of 2015. From the 137 institutions that were included in the Vision at the end of 2009, by the end of 2015 there remained 47 – 18 Homes for Medico-Social Care of Children (HMSSCC) and 29 Homes for Children Deprived of Parental Care (HCDPC). All the specialised institutions for children with disabilities have been closed. It must be noted that the other type of institutions – those for children in conflict with the law and children with delinquent behaviour – were not included in the Vision and there are currently more than 200 children living in six such institutions who are not considered “institutionalised” in the official statistics even though they are undoubtedly living in institutional care.

- Increase in the number of community-based services including foster care

There has been a large increase in the number of community-based services that have been developed and the number of families that have benefitted from them. Together they have prevented the separation of a large number of children from their families and their potential institutionalisation. The network of community-based services includes day care centres, community support centres, services for rehabilitation and integration of disabled children, residential family-type homes, and others. Foster care has developed significantly over the past five years. There were only 221 children living in foster care when the Action Plan was adopted, while at the end of 2015 this rose to 2323 children.

- Increased public support for deinstitutionalisation

There has been an increase in public understanding and support for the deinstitutionalisation process and reform. A survey carried out by the State Agency for Child Protection (SACP) in the summer of 2015 showed that more than 80% of people approve the principles of deinstitutionalisation; however, nearly three quarters of people did not know about the reform or had only heard very little about it – i.e. while most people approve the principles that are behind it when asked about them concretely, they are not aware that these principles are state policy or that Bulgaria is taking any steps towards the deinstitutionalisation of children.



- Integrated investment of EU funds

The Action Plan supported the investment of more than 100 million euro from the EU structural funds to support the reform process through the European Social Fund, the European Regional Development Fund and the European Agricultural Fund for Rural Development. Linking these three different funds in support of common objectives represents a good practice as it provides grounds for integrated spending of EU money.

Key challenges

- Action plan not produced in constructive consultation with key stakeholders, including children

The Action Plan was focused on five EU-funded projects that have now ended. Civil society started drawing attention to the need to create a new Action Plan to continue the deinstitutionalisation process as far back as 2013 but this did not happen and the authorities decided to wait until the very last moment to start planning the next stage of the process. A working group to create a new Action Plan was formed in early 2016 under the chairmanship of the SACP, with representation from civil society and relevant institutions. A draft document was created at the end of April but it falls far short of offering a full and clear roadmap for action, and its status as of the end of May remains unclear. The institutions and organisations that have been involved in the creation of the Action Plan have been receiving very mixed messages about how the process is going to continue and there is currently a complete lack of clarity on the way forward. Consultation with children and other stakeholders like media, corporate sector and academia did not take place. All of this signals lack of clear leadership and capacity to involve main stakeholders and plan jointly next steps.

- Quality of care in the new Family Type Placement Centres and their impact on deinstitutionalised children is under question

Some of the children who were moved from institutions to the new Family Type Placement Centres (residential care in the community) were moved without a proper preparation process and due concern for their well-being, which has in some cases led to devastating results, particularly when it comes to children with special needs, disabilities or challenging behaviour. The impact on children from moving to the new centres has not been assessed by the state authorities – the only assessments that were carried out were by the non-governmental organisation Lumos and showed mixed results as to the wellbeing of the children. Staff in some of these centres is neither properly trained, nor supervised, and nor are there sufficiently developed monitoring and quality control procedures. They are also underfinanced - the state budget standard of 8806 BGN for children without disabilities and 9320 BGN for children with disabilities per year per child is not enough to cover all the costs of the service after covering the costs for the staff and the maintenance of the building. Combined with their large size (their capacity is 15 children¹), the quality of care in these residential care settings has been jeopardised. Moreover, there is increasing concern that they are not seen as a temporary measure but as a permanent alternative to the large institutions, with no national plans for the reintegration of the children living in them into communities or family-type care. This can represent a form of re-institutionalisation for these children. No proper after-placement assessment and care planning is introduced.

- Deficiencies in the management of foster care

While the importance of foster care has been recognised and quantitative growth has been achieved, the foster care project in the previous Action Plan was beset by problems right from the initial design stage through to its implementation. The design of the project focused exclusively on the achievement of quantitative results while completely missing the level of analysis, planning, training, capacity building and provision of support services to foster families. This has in many places led to poor placement decisions, failed placements, the recruitment of high-risk families as foster carers and the placement of children with families who are not properly trained and supported, as well as the moving of children from family to family

¹ The capacity for the SGHs or Family-type placement centres as they are called in the country, developed as part of the pilot project "Childhood for all", is 14, which includes 12 permanent places and 2 emergency ones while the methodology approved by the Agency for Social Assistance recommends capacity of up to 15 children.



and from one failed placement to another. Foster care for children with disabilities was not developed and remains very much exceptional.

- Failure to ensure full sustainability of services

There was an expectation that the services that were created and piloted during the first stage of the deinstitutionalisation process with the help of EU funds will continue to be funded through the state budget as normal social services. While this took place for some of the services, including the new residential care homes, it did not happen in relation to foster care. The expected decentralisation of the delivery of foster care did not take place and the plans for the development of a financial standard for the delivery of the service by municipalities was in the end not approved. A decision was made to continue funding foster care services through the EU funds and a new programme began in December 2015 – the “Accept me 2015” programme. In addition, some of the preventative and family support services that were created as part of the “Direction: Family” project that was the vehicle for the closure of the pilot HMSCC, did not continue functioning past the end of the project as they were not legally regulated due to lack of shared understanding between the Ministry of Health and the Ministry of Labour and Social Policy on how this should happen. With no clear mechanism to ring-fence the funds from the closed HMSCC, the financial sustainability of the new services was not supported with the saved funds from their closure and there was no vision of how services are to be funded beyond the scope of EU investments. This led to the rapid closure of some services that were supposed to close the entrance to institutional care and support families in the care of their children, and raised questions about the sustainability of the EU investment of approximately 8 million euro in the project.

- Insufficient focus on the rights of the child, care system as a whole and not only institutions

While there has been a decrease in the number of children living in institutions, the number living outside their families in alternative care (i.e. institutions, community-based residential care and foster care) has not decreased. 8434 children lived in alternative care in 2010, while in 2015 the number is 8191, with the small decrease being attributable to the overall decrease in the number of children due to Bulgaria's demographic crisis. More than 70% of these 8191 children live in residential care and less than 30% - in foster care. What this means is that the measures to prevent the separation of children from their families and support families to look after their children are not sufficient and the services that have been developed do not function well enough. The first Action Plan had an insufficient focus on prevention measures, understood widely as the prevention of separation of children from their parents, abandonment, violence and, ultimately, institutionalisation. The rate of abandonment of children at birth, while decreasing, remains high. The majority of children who are placed in the remaining HMSCC arrive there directly from maternity wards. There remains a significant risk in particular for children with disabilities, which is exacerbated by the lack of sufficient high quality services for disabled children within communities, including a lack of access to kindergartens. Good practices, such as early childhood intervention for children with disabilities and the provision of mobile work in marginalised communities and social services in hospitals and maternity wards to prevent abandonment, have been developed by several non-governmental organisations - but despite these practices showing tangible results, they remain fully within the purview of charities and the government has not taken any steps to implement them more widely in the country. It has even taken active steps to exclude civil society from partnering with municipalities in the delivery of some services, such as with the new programme to fund early childhood development services planned to be rolled out in 2016, which limits municipalities to partner with NGOs in only one service from the range of services that are to be delivered within the Community Centres.

- Low capacity of child protection system

The child protection system is severely under-resourced. There is a shortage of staff, a poor material base, a large turnover rate of social workers and a lack of standards, training and supervision for them. The lack of standards about social work in terms of workload and number of cases per social worker (there are places where social workers have to deal with more than 100 cases per person) and the lack of training, support and decent payment remain major obstacles to the proper functioning of the system. This is having a detrimental impact on the deinstitutionalisation process and fails to guarantee the protection of children's rights in this complex reform. This has led to significant disparity between the professional competences



and performance of social workers from NGO service providers and the one from the state authorities on national and local level.

- Persistent negative attitudes

Attitudes towards institutionalised children, as well as children with disabilities and children from different ethnic backgrounds, remain negative. They are frequently subjected to discrimination based on their social status and remain highly vulnerable to social exclusion and isolation. The same survey by the SACP that is mentioned above also found that 65% of parents do not want their child to attend school with a child with an intellectual disability, 42% are negatively disposed towards children from minority backgrounds and 20% have a problem even in relation to children with physical disabilities. This represents a massive barrier to the proper inclusion of children from institutions or those in alternative care in society. There have been very few efforts to change attitudes or sensitise communities to the need for deinstitutionalisation and the rights of children, and thus there remains within many of them a complete lack of knowledge about it.

- NGO service providers are not considered a key stakeholder

There remain negative attitudes towards NGOs on behalf of the state authorities and even from other NGO organisations that are suspicious of the fact that service providers invest state funds into services. The provision of services is primarily carried out by local authorities, with the minimal involvement of NGOs, even those with a solid background. This presents a threat to their existence, stability, professionalisation and growth.

Recommendations and EEG support

We believe that the European Expert Group and the European Commission could support our efforts to preserve what has been achieved in Bulgaria at the policy and practice levels and support their further development and implementation based on the best interests of the child and the Common European Guidelines on the Transition from Institutional to Community Based Care. There is an urgent need to address the above-mentioned challenges so that EU funds are not misused but rather enhance the protection of children's rights for each individual child. The following are our main recommendations for addressing them:

- **A new Action Plan for the implementation of the National Strategy** "Vision for Deinstitutionalisation of Children in Bulgaria" needs to be developed with the active involvement of all relevant stakeholders through a renewal of the mandate of the working group that was created at the start of 2016. Mechanisms for the proper coordination of the work of the group and its rules need to be included in the ministerial order for its creation. The Action Plan should focus on the following three objectives: (1) prevention of the separation of children from their families; (2) closure of all remaining institutions for children (including HMSCC, HCDPC and institutions for children in conflict with the law and children with delinquent behaviour); (3) improvement in the quality and efficiency of the child protection system. It should also include the roles and responsibilities of different stakeholders including responsibility for leadership and overall co-ordination and monitoring of the implementation, as well as mechanisms for co-ordination at all levels (national, regional and local) both horizontally and vertically.
- **There is an acute need to improve dialogue and the involvement of all stakeholders** in order to support decision-making based on examples from practice, lessons learned and expertise from professionals on the ground. Civil society should be included in the Inter-governmental Working Group in charge of managing the overall implementation of the Action Plan (this group consists of high-level representatives of all ministries), not just the Permanent Expert Group, which is not involved in the management of the overall process of deinstitutionalisation. Civil society and local authorities need to be included in all stages of the deinstitutionalisation process: management, planning, implementation and monitoring. Consideration should be given as to how to encourage partnership between local authorities and civil society in the planning and implementation of the new Action Plan.



- There is **poor financial management of the whole process** and there is an **urgent need for capacity building in this area**. The financial sustainability of services needs to be ensured through the ring fencing of funds that are going into maintaining institutions and the creation of detailed financial standards for the various types of alternative care services. The current principle of financing Family Type Placement Centres with the same standard for all children regardless of the individual need of each child, does not allow for their needs to be met properly. More flexibility needs to be introduced, with differentiated financing of the costs of the service (staff, building maintenance, etc.) and the costs of supporting each individual child, which can be determined following an assessment of their needs.
- There needs to be a major effort to **change negative social attitudes and stigma** towards marginalised children, and popularise the principles and facts about the deinstitutionalisation reform.
- The institutionalisation of children is unlikely to end if we do not focus on the earliest years of the child's development. We would like to see a **national strategy for the early years and a significant increase in parenting support** supported by effective measures to address child poverty and Roma exclusion.
- **The adoption of a Children's Act**, presenting the child as a rights holder rather than just an object of care, is urgently needed so that all systems around the child that are supposed to ensure his/her welfare can adapt their interventions and policies accordingly. This would support the introduction of proper mechanisms of coordination between institutions and go a long way towards ensuring respect for the full spectrum of children's rights.

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National Network for Children
Coalition "Childhood 2025"